

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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NURSAN METALURJI ENDUSTRISI, A.S.,

Plaintiff,

Case No.: 07 CIV 7687 (GBD)

-against-

M/V "TORM GERTRUD" her engines, tackle,  
boilers, etc. *in rem*, M/V "NEW FLAME" her engines,  
tackle, boilers, etc. *in rem*,  
A/S DAMPSKIBSSELSKABET TORM, TRANSMAR  
SHIPPING CO. S.A., GLADIATOR NAVIGATION S.A.,  
*in personam*,

**DECLARATION OF  
ANNE MENTZ HANSEN**

Defendants.  
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Pursuant to 28 U.S.C. § 1746, ANNE MENTZ HANSEN, declares as follows:

1. I am the Claims Manager of the Insurance and Claims Department of defendant A/S Dampskibsselskabet Torm ("Torm"). I make this declaration in support of Torm's motion to dismiss the Verified Complaint on the basis of my own personal knowledge and information derived from the files of Torm.

2. Torm is a corporation organized and existing pursuant to the laws of Denmark with its principal place of business at 18 Tuborg Havnevej, Hellerup, Denmark. Torm does not have an office or telephone listing in New York. It is not licensed or authorized to do business in New York and has not appointed an agent to accept service of process on its behalf. It does not own any real or personal property or maintain a bank account in New York. Furthermore, Torm does not regularly advertise or solicit business in New York.

3. Torm owns, operates or manages about 130 vessels, comprised of two types of vessels, i.e. dry bulk carriers and product tankers. A list of the vessels owned by Torm is attached as Exhibit 1. The TORM GERTRUD is a product tanker.

4. Torm is the owner of the TORM GERTRUD. The vessel is not now within the jurisdiction of this Court and has not been in The Port of New York since February 2005. The vessel is currently not scheduled to call in The Port of New York.

5. A number of the vessels in the Torm fleet are bareboat or time chartered to other companies. Under those charters, the vessels sail under the direction of the charterers.

6. The voyage-chartered vessels are operated by Torm, who maintains records of where the vessels call. During the last twelve months, nine of the voyage-chartered vessels (three of which were not actually owned by Torm) have been directed by Torm's charterers to call in The Port of New York a total of 21 times (7 of the calls were by the three vessels not owned by Torm). When Torm's voyage-chartered vessels call in The Port of New York, they have loaded or discharged cargoes belonging to Torm's customers at the following terminals<sup>1</sup>:

- Kinder Morgan Terminal in Carteret, New Jersey;
- Motiva Terminal in Searin, New Jersey;
- Conoco Phillips in Linden, New Jersey;
- IMTT in Bayonne or Linden, New Jersey;
- Amerada Hess in Bayonne or Port Reading, New Jersey;
- NuStar Terminal in Linden, New Jersey; and
- Valero-Citco Terminal in Linden, New Jersey.

There are no records of any Torm vessel having called at a Terminal in the State of New York in the past twelve months.

7. According to Torm's accounting records, it has not earned any income from customers in New York in the last year. Torm's accounting records identify its

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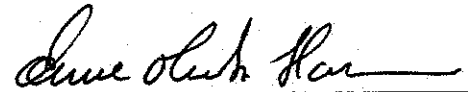
<sup>1</sup> Some of the vessels may have performed lightering to barges at Stapleton Anchorage before proceeding to the individual terminal.

suppliers/vendors by their home countries. Those records show that for the one year period from July 1, 2006 to June 30, 2007, only 0.01% of the total amount of all the invoices to Torm from its suppliers/vendors were from suppliers/vendors in the entire United States. Torm's accounting records relating to suppliers of bunkers, *i.e.* the fuel used to operate the vessel's engines and machinery, identify the ports where the bunkers were supplied. For the one year period from July 1, 2006 to June 30, 2007, only 1.09% of all the bunkers were supplied to Torm in The Port of New York.

8. The TORM GERTRUD was not one of the vessels that called in The Port of New York during the last twelve months. In the past, the TORM GERTRUD has called in The Port of New York ten times. The last time she was in The Port of New York was in February, 2005. To the best of Torm's knowledge, none of the calls by TORM GERTRUD were at a terminal within the State of New York.

9. At the time of the collision off Gibraltar, the TORM GERTRUD was performing a voyage under a Contract of Affreightment. The vessel had loaded a full cargo of gasoline at Augusta, Italy and was nearing Algeciras, Spain to perform a crew change at the time of the collision. The vessel was eventually bound for the East Coast of the United States for final discharge orders. The voyage charterers had preliminarily indicated the port of discharge was to be Port Everglades, Florida.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on December 6, 2007.

A handwritten signature in cursive script, appearing to read "Anne Mentz Hansen", written in black ink.

ANNE MENTZ HANSEN

A/S DAMPSKIBSSELSKABET TORM